

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/22/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARIO ALTAGRACIA

Plaintiff,

-against-

FER'S CLEANERS II CORP., *dba* EXPRESS
CLEANERS, TOUCH CLEANERS INC. *dba*
EXPRESS CLEANERS, and FELIPE ESPINOZA

Defendants.
-----X

21-CV-0108 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed this lawsuit on January 6, 2021, *see* Dkt. 1;

WHEREAS on April 29, 2021, the Court ordered all three Defendants to show cause on June 4, 2021, why an order for default judgment shouldn't be entered against them, Dkt. 21;

WHEREAS on June 4, 2021, Defendant Espinoza appeared at the hearing, but Defendants Fer's Cleaners II Corp. and Touch Cleaners Inc. did not, Dkt. 23;

WHEREAS on July 1, 2021, the Court referred this case for mediation to the Court's Mediation Program and directed the Clerk of Court to locate pro bono counsel to represent Defendant Espinoza at the mediation, Dkt. 28;

WHEREAS on October 5, 2021, the Court was informed that Defendant Espinoza was not receptive to attempts by pro bono counsel to contact and assist him;

WHEREAS on October 6, 2021, the Court again referred the case for mediation to the Court's Mediation Program and ordered that Defendant Espinoza may represent himself at the mediation, Dkt. 30;

WHEREAS also on October 6, 2021, the Clerk of Court mailed a copy of the mediation referral order to Defendant Espinoza; and

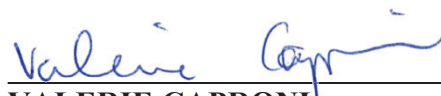
WHEREAS on October 18, 2021, the mediation referral order was returned as undeliverable to Defendant Espinoza; and

WHEREAS to date, Defendants Fer's Cleaners II Corp. and Touch Cleaners Inc. have failed to appear, answer, or otherwise respond to the Complaint, *see* Fed. R. Civ. P. 12(a)(1);

IT IS ORDERED that Plaintiff must apply for a default judgment against Defendants Fer's Cleaners II Corp., Touch Cleaners Inc., and Espinoza, consistent with the procedures described in Attachment A to the undersigned's Individual Practices by **November 5, 2021**, or the case will be dismissed for failure to prosecute.

SO ORDERED.

Date: October 22, 2021
New York, NY



VALERIE CAPRONI
United States District Judge